

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	CR. 07-50003-01-AWB
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER FINDING</b>
	)	<b>DEFENDANT COMPETENT</b>
	)	<b>TO STAND TRIAL</b>
WILBERTA MEANS,	)	
	)	
Defendant.	)	

On February 21, 2008, this Court found Defendant incompetent to stand trial. Docket 127. On October 28, 2008, a competency hearing was held in this matter, where the Government and Defendant provided argument and testimony regarding Defendant's competence. After careful consideration of the testimony and argument offered by both sides, the Court finds by a preponderance of the evidence that Defendant is competent to stand trial, in that she is able to understand the nature and consequences of the proceedings against her and to assist properly in her defense.

Therefore, good cause appearing, it is hereby

ORDERED that Defendant be discharged from FMC, Carswell, and remanded to the custody of the United States Marshals pending trial of the charges against her or until further order of this Court.

IT IS FURTHER ORDERED that attorneys for both parties should communicate about possible trial dates for this matter and inform the Court

regarding the same.

Dated: October 31, 2008.

BY THE COURT:

/s/ *Andrew W. Bogue*

ANDREW W. BOGUE

SENIOR DISTRICT JUDGE